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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,390	08/28/2003	Roman Antosik		9693

7590 08/28/2006

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EXAMINER

GARCIA, LUIS

ART UNIT PAPER NUMBER

2613

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,390

Applicant(s)

ANTOSIK, ROMAN

Examiner

Luis F. Garcia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on August 28, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on August 28, 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

2. **Claim 2 objected** to because of the following informalities: Redundant terminology. Appropriate correction is required. e.g. In 3,4,5-6,7,11-12,13,14,15: "said apparatus", In 1: "apparatus of claim 1 with said in claim 1".

Claim 3 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 1, 2 and 4. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim 4 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 1, 2, 3 and 6. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim 6 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 1 and 2. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1-6 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, indefinite for the following reasons:

Ln1-7: it is unclear if claim 1 is an apparatus or a method claim, e.g. 1 Ln1 "a process", Ln5 "a method of protected Point-To-Point," and Ln7: "a Switching Bus Interface Node Optical apparatus";

Ln20; "output terminals in said second bus direction, and"-end of claim , claim is not a complete sentence.

Regarding claim 2, indefinite for the following reasons:

See Ln1,16 "optical apparatus", "a method of partitioning" it is unclear if claim 2 is an apparatus or a method claim;

Ln11,13: "coupling not coupled"-connection is not clearly defined.

Ln20: "...said third buses, and" -end of claim , claim is not a complete sentence.

Regarding claim 3, indefinite for the following reasons:

unclear what claimed invention is due to improper multiple claim dependencies:
e.g. ln2 "selected from said claim 1 (M=1) 2N-first bust input terminals in said in claim 2 first or second service bandwidth", also see *pg3* ln7-8, ln16-17, ln19; *pg4* ln5, 6-8, 11-15, 17, 21, 23 and *pg5* ln1,3,5-9.

pg3 ln4, 9, 20; *pg4* ln9-10,13,15, 22; *pg5* ln1-2, 4, 6: it is unclear which apparatus "said apparatus" is referring to.

pg3-5: "said in claim 4"- indefinite because claim 4 is not yet defined.

pg5 ln9; "...Switch optical apparatus, and"-end of claim , indefinite because claim is not a complete sentence.

Regarding claim 4, indefinite for the following reasons:

unclear what claimed invention is due to improper multiple claim dependencies:
see *pg5* ln15-17, 19-21; *pg6* ln2-4,6-8.

pg5-6: "said in claim 6"- indefinite because claim 6 is not yet defined.

pg5 ln20; *pg6* ln7: it is unclear which apparatus "said apparatus" is referring to.

pg6 ln8; "...Switching Module optical apparatus:"-end of claim , indefinite because claim is not a complete sentence.

Regarding claim 5, indefinite for the following reasons:

pg6-7: "said first terminal", "said second", "said second terminal(s)", "said fourth terminal", "said third terminal(s)", "said first"- it is unclear which coupler(s)/switch(es) are being referred to.

pg6-7: "coupling to one of said in claim 4 N-first input terminals", "coupling to one of said in claim 4 N-first output terminals", "coupling to one of said in claim 4 N-second

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input terminals", "coupling to one of said in claim 4 N-third input terminals", "coupling to one of said in claim 4 N-third input terminals"- connection is not clearly defined.

Pg6 ln8; "...said N-second output terminals;"-end of claim , indefinite because claim is not a complete sentence.

Regarding claim 6, indefinite for the following reasons:

unclear what claimed invention is due to improper multiple claim dependencies:
see *pg8 ln2,4,9,13,16,21*; *pg9 ln2,5,7,12,14*.

pg8-10: "said third", "said fourth output terminals", "said fifth", "said sixth output terminals", "said first", "said fourth", "said first terminal", "said third terminal", "said forth terminal", "said second terminal", "said third output terminal", "said second"- it is unclear which apparatus terminals are being referred to.

pg9 ln5-8, 12-15: it is unclear which apparatus "said apparatus" is referring to.

4. Claim 1 recites the limitation "2MN-first and 2MN-second input terminals" in *ln10*. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "2MN-first and 2MN-second output terminals" in *ln12-13*. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the Transmit/Receive Interface" in *ln10*. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "bus-to-bus" in *ln13-15*. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "third bus" in ln7. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "fifth bus" in ln15. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "bus-to-bus transmission fiber" in ln16-17. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "2N-sixth" in *pg4* ln19. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "N-seventh" in *pg4* ln20. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "N-eighth" in *pg4* ln22. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "N-ninth" in *pg5* ln2. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "N-tenth" in *pg5* ln4. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "N-eleventh" in *pg5* ln6. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "N-twelfth" in *pg5* ln7. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "N-first bus-to-bus output terminals" in *pg5* ln18. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "said N-second 2:1 optical switches" in *pg6* ln18.

There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "said N-first 1:2 optical switches" in *pg7* ln1. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "said N-second 2:1 optical switches" in *pg7* ln7.

There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "said N-third 1:2 optical switches" in *pg7* ln13.

There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "first and second power coupler optical apparatuses" in *pg8* ln5-6. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "N-first bus-to-bus output terminals" in *pg5* ln18.

There is insufficient antecedent basis for this limitation in the claim.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luis F. Garcia whose telephone number is (571)272-7975. The examiner can normally be reached on 8-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken N. Vanderpuye can be reached on (571)272-3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LG


KENNETH VANDERPUYE
SUPERVISORY PATENT EXAMINER